

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**ATTORNEY DOCKET NO. JP920000420US1**

Patent Application of:

**M. KAWAHITO ET AL.**

Serial No.: 10/085,455

Filed: February 27, 2002

For: **PROGRAM OPTIMIZATION  
METHOD AND COMPILER USING  
THE PROGRAM OPTIMIZATION  
METHOD**

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Examiner:

Art Unit: 2122

**RECEIVED**  
JUL 08 2002  
OFFICE OF PETITIONS

**DECLARATION UNDER 37 C.F.R. § 147**

Honorable Assistant Commissioner for Patents  
Washington, DC 20231

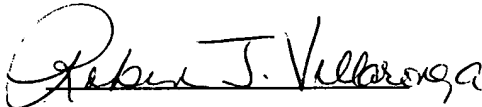
Sir:

I, Lucille Fourgeot, a United States citizen residing at 36 Mahopac Avenue, Amawalk, New York 10501, United States of America, hereby declare as follows:

1. That I am currently employed by IBM in the position of Patent Administrator Specialist in the Intellectual Property Department.
2. That I routinely prepare documents relating to United States patent applications that require signatures of inventors.
3. That the inventor John C. Whaley signed an employment agreement with IBM on February 1, 1998.
4. That I prepared the Assignment and Declaration and Power of Attorney and that I mailed them to John C. Whaley at his current home address, 151 Calderon Avenue, No. 194, Mountain View, California 94041, for his signature on February 20, 2002 via Express Mail.
5. That on April 3, 2002 John C. Whaley sent me an electronic note (copy enclosed) indicating he received the Assignment and Declaration and Power of Attorney, and that he would sign them and return them to me that week.
6. That I have continued sending electronic mail to him indicating that I have not received the documents, but he still has not responded or returned the signed Declaration and Power of Attorney and the Assignment. The electronic mail that I sent to Mr. Whaley are as follows: June 24, 2002, June 14, 2002, June 10, 2002, May 17, 2002, May 9, 2002, April 17, 2002, April 3, 2002, April 3, 2002, March 26, 2002, March 21, 2002, February 20, 2002, and February 5, 2002, (copies enclosed).

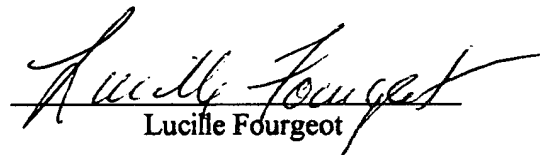
7. That on June 17, 2002, I mailed a duplicate set of formal papers, the Declaraton and the Assignment, and sent them to Mr. Whaley at 151 Calderon Avenue, No. 194, Mountain View, California 94041 via the U.S. Postal Service, Certified Mail No. 7001 1940 0002 7123 1619, return receipt requested, and that I have not received the Assignment or the Declaration and Power of Attorney.
8. That on June 24, 2002 I attempted to call him at his office at Stanford University, California, on (650) 725-3720 to ask him to sign the Declaration and Power of Attorney and the Assignment and I was told that he would be in later. That I called again later and left a message on his answering machine to call me with regard to the return of the signed Declaration and Power of Attorney and the Assignment.
9. That I further declare that all statements made herein of my own knowledge and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that willful and false statement may jeopardize the validity of the above-referenced application and any patent issuing therefrom Further declarant sayeth not.

Sworn before me in the       )  
Town of Yorktown Heights,   )  
New York 10598, this 26<sup>th</sup>   )  
of June 2002.                    )



Notary Public in  
Westchester County  
Town of Yorktown Hgts.,  
New York 10598

**ROBIN J. VILLARONGA**  
Notary Public, State of New York  
Qualified in Dutchess County  
Commission Expires July 20, 2005  
NOVEMBER 14, 2005.

  
Lucille Fourgeot

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROGRAM OPTIMIZATION METHOD AND COMPILER USING THE PROGRAM OPTIMIZATION METHOD

the specification of which (check one)

     is attached hereto.X was filed on February 27, 2002 as United States Application Number 10/085,455or PCT International Application Number           
and was amended on          (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application, having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed
<u>2001-055996</u>	<u>Japan</u>	<u>28/02/01</u>
(Number)	(Country)	(Day/Month/Year Filed)
<u>        </u>	<u>        </u>	<u>        </u>
(Number)	(Country)	(Day/Month/Year Filed)
<u>        </u>	<u>        </u>	<u>        </u>
(Number)	(Country)	(Day/Month/Year Filed)
<u>        </u>	<u>        </u>	<u>        </u>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
<u>        </u>	<u>        </u>
(Application Number)	(Filing Date)
<u>        </u>	<u>        </u>

I hereby claim the benefit under 35 U.S.C. §120 of any United States Application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States, or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in 37 CFR §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>        </u>	<u>        </u>	<u>        </u>
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
<u>        </u>	<u>        </u>	<u>        </u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number).

Manny W. Schecter (Reg. 31,722), Kevin M. Jordan (Reg. 40,277), Christopher A. Hughes (Reg. 26,914), John E. Hoel (Reg. 26,279), Joseph C. Redmond, Jr. (Reg. 18,753), Marc A. Ehrlich, (Reg. 39,966), Derek S. Jennings (Reg. 41,473) Stephen C. Kaufman (Reg. 29,551), Richard M. Ludwin (Reg. 33,010), Robert P. Tassinari (Reg. 36,030), Robert M. Trepp (Reg. 25,933), Louis P. Herzberg (Reg. 41,500), Daniel P. Morris (Reg. 32,053), Paul J. Otterstedt (Reg. 37,411) Marian Underweiser (Reg. 46,134), Douglas W. Cameron (Reg. 31,596), Timothy M. Farrell (Reg. 37,321) and Gail H. Zarick (Reg. 43,303).

Send Correspondence to: Douglas W. Cameron, Intellectual Property Law Dept.IBM Corporation, P.O. Box 218, Yorktown Heights, New York 10598Direct Telephone Calls to: (name and telephone number) Douglas W. Cameron at (914) 945-3244Motohiro Kawahito

Full name of sole or first inventor

Inventor's Signature

Date

683-29 Kamitsuruma, Sagami-hara-shi, Kanagawa-ken, Japan

Residence

Japan

Citizenship

Same as above.

Post Office Address

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Hideaki Komatsu

Full name of second joint-inventor, if any

Inventor's signature

Date

1-24-5-1004 Kagahara, Tsuzuki-ku, Yokohama-shi, Japan

Residence

Japan

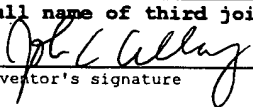
Citizenship

Same as above.

Post Office Address

John Craig Whaley

Full name of third joint-inventor, if any

  
Inventor's signature

7-11-2002  
Date

151 Calderon Avenue #194, Mountain View, California 94041

Residence

USA

Citizenship

Same as above.

Post Office Address

Full name of fourth joint-inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of fifth joint inventor, if any

Inventor's Signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth joint-inventor, if any

Inventor's signature

Date

Residence

Citizenship

Post Office Address